

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

<i>Nicole Root, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:10-cv-13159-DRH-PMF
<i>Lillan Roquet v. Bayer Corporation, et al.</i>	No. 3:12-cv-11234-DRH-PMF
<i>Katherine Rygh v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:10-cv-11638-DRH-PMF
<i>Jetaun Sallaz v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:11-cv-10576-DRH-PMF
<i>Holly Sanchez, et al. v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:11-cv-10632-DRH-PMF
<i>Michelle Satterwhite v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:13-cv-10356-DRH-PMF
<i>Stephanie Shoucair v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:10-cv-13619-DRH-PMF
<i>Malinda Smith v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:11-cv-13083-DRH-PMF
<i>Anabelle Soto v. Bayer HealthCare Pharmaceuticals Inc., et al.</i>	No. 3:10-cv-11945-DRH-PMF
<i>Katherine Sowinski v. Bayer Corporation, et al.</i>	No. 3:10-cv-20387-DRH-PMF
<i>Lana Speck v. Bayer Corporation, et al.</i>	No. 3:11-cv-20080-DRH-PMF
<i>Caitlin Stevens v. Bayer Corporation, et al.</i>	No. 3:12-cv-20110-DRH-PMF
<i>Megan Stewart v. Bayer Corporation, et al.</i>	No. 3:10-cv-20390-DRH-PMF

*Sara Todd v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:11-cv-13152-DRH-PMF

*Chrystal Lynette Darbonne Trahan v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:10-cv-13029-DRH-PMF

*Michelle Villanueva v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:10-cv-13615-DRH-PMF

*Jennifer Walther v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:11-cv-10281-DRH-PMF

*Stormy Whisenhunt v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:11-cv-12222-DRH-PMF

*Christina Wilkin v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:10-cv-11916-DRH-PMF

Heather Williams v. Bayer Corporation, et al.

No. 3:12-cv-10767-DRH-PMF

*Stacey Yates v. Bayer HealthCare
Pharmaceuticals Inc., et al.*

No. 3:11-cv-12529-DRH-PMF

ORDER GRANTING MOTION TO DISMISS WITH PREJUDICE

HERNDON, District Judge:

On February 10, 2015, Bayer filed a motion to dismiss with prejudice, pursuant to Case Management Order 60 (“CMO 60”), the above captioned plaintiffs’ claims for failure to submit complete Claim Package Materials.¹

Pursuant to the Court’s local rules, the plaintiffs had 30 days to file a responsive pleading. None of the above captioned plaintiffs filed a responsive pleading. At the expiration of the responsive pleading deadline, as is required

¹ Pursuant to the “Settlement Agreement,” Exhibit A to CMO 60, plaintiffs enrolled in the Gallbladder Resolution Program are required to submit to the Claims Administrator all the Claim Package Materials identified in Section 3.03(a) of the Settlement Agreement. Section 3.01 of the Settlement Agreement fixed November 18, 2013 as the deadline for submission of a complete Claims Package. The subject motion asserts that the plaintiffs have failed to comply with this requirement.

under CMO 60, the motion was considered by Special Master Stephen Saltzburg.² On March 25, 2015, Special Master's Saltzburg's report and recommendation relating to the above captioned cases was docketed. In each case, Special Master Saltzburg found that the subject plaintiffs failed to comply with the requirements of CMO 60 and recommended that the subject plaintiffs' claims be dismissed with prejudice in accord with the requirements of CMO 60.

The parties were given 14 days to respond or object to Special Master Saltzburg's report and recommendation. The deadline for responding or objecting to the Special Master's report has expired. None of the above captioned plaintiffs have responded or objected.

Upon consideration of Bayer's motion to dismiss, the Special Master's report, and the requirements of CMO 60, the Court finds that the above captioned

² Section VIII of CMO 60 "appoints Professor Stephen Saltzburg as Special Master to hear motions to dismiss claims that fail to comply with the terms of the Agreement, and to recommend to this Court rulings on such motions, as specified in the Agreement" (Doc. 2739 p. 8).

plaintiffs have failed to comply with CMO 60.


Accordingly, the claims of the above captioned plaintiffs are **DISMISSED WITH PREJUDICE**.

FURTHER, the Court directs the Clerk of the Court to enter judgment reflecting the same.

IT IS SO ORDERED.

Signed this 14th day of April, 2015.

Digitally signed
by David R.
Herndon
Date: 2015.04.14
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United States District Court